

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**DANIEL B. O'KEEFE,
CELESTE A. FOSTER O'KEEFE,
AND THE DANCEL GROUP, INC.**

PLAINTIFFS

VS.

CAUSE NO. 1:08cv600-HSO-LRA

**STATE FARM FIRE & CASUALTY
COMPANY and MARSHALL J. ELEUTERIUS and
JOHN AND JANE DOES A, B, C, D, E, F, G and H**

DEFENDANTS

CONSENT MOTION FOR ADDITIONAL TIME

COME NOW the Plaintiffs, by and through undersigned counsel, and file herewith their Motion for Extension of Time to respond to Defendant, State Farm's Motion [310] for Protective Order Re: Notice of Rule 30(b)(6) Video Deposition and Subpoena *Duces Tecum*; State Farm's Objection [311] to, and Motion to Quash, Subpoena *Duces Tecum*; and State Farm's Objection [312] to Subpoena Re: Notice (Other) of Issuance of Subpoena *Duces Tecum* and in Support of thereof would show the Court as follows:

1. The Court recently granted a continuance in this matter and an extension of the discovery deadline due to unforeseen personal circumstances of counsel for Plaintiffs. Pursuant to the revised Scheduling Order, trial of this matter is currently scheduled for the three week trial calendar that begins on June 7, 2010. Discovery is currently set to conclude on January 15, 2010, and dispositive motions are currently due January 29, 2010. A settlement conference has been scheduled before the Honorable Linda Anderson for the morning of December 4, 2009.

2. Defendant, State Farm's Motion for Protective Order and Objection to, and Motion to Quash, Subpoena *Duces Tecum* was filed on November 4, 2009. State Farm's Objection to Subpoena Re: Notice (Other) of Issuance of Subpoena *Duces Tecum* was filed on November 5, 2009. Plaintiffs' Response to State Farm's Motions are currently due November 24 and 25, 2009.

respectively. Due to the same circumstances which counsel for the Plaintiffs requested a continuance in this cause, Plaintiffs have not had the opportunity to consider or begin to prepare a response to the Motions and Objections. Plaintiffs respectfully request an additional ten (10) working days to file their Response to State Farm's Motion [310] for Protective Order Re: Notice of Rule 30(b)(6) Video Deposition and Subpoena *Duces Tecum*; State Farm's Objection [311] to, and Motion to Quash, Subpoena *Duces Tecum*; and State Farm's Objection [312] to Subpoena Re: Notice (Other) of Issuance of Subpoena *Duces Tecum*.

3. Counsel for State Farm and Eleuterius have authorized counsel for Plaintiffs to represent Defendants' consent, as set forth herein, to the Court.

4. This Motion is not being filed for the purpose of delay, but rather is being filed due to unforeseen circumstances beyond the Plaintiffs' control; and to promote the interests of the proper administration of Justice in this cause.

5. This motion is being filed in a timely manner, prior to the currently scheduled close of discovery in this cause.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request the Court enter an Order Granting Plaintiffs' Motion for Additional time to Respond to State Farm's Motion [310] for Protective Order Re: Notice of Rule 30(b)(6) Video Deposition and Subpoena *Duces Tecum*; State Farm's Objection [311] to, and Motion to Quash, Subpoena *Duces Tecum*; and State Farm's Objection [312] to Subpoena Re: Notice (Other) of Issuance of Subpoena *Duces Tecum* and extending the deadline for filing a response to all until Thursday, December 10, 2009.

Respectfully submitted, this the 20th day of November, 2009.

**DANIEL B. O'KEEFE, CELESTE A. FOSTER
O'KEEFE, AND THE DANCEL GROUP, INC.,
PLAINTIFFS**

By: /s/ Christopher C. Van Cleave

CHRISTOPHER C. VAN CLEAVE (MSB #10796)

CLYDE H. GUNN, III (MSB #5074)
CHRISTOPHER C. VAN CLEAVE (MSB #10796)
W. CORBAN GUNN (MSB #101752)
DAVID N. HARRIS, JR. (MSB #100790)
CORBAN, GUNN & VAN CLEAVE, P.L.L.C.
P.O. Drawer 1916
Biloxi, MS 39533-1916
Telephone: (228) 432-7826
Facsimile: (228) 456-0998
Email: christopher@cgvclaw.com

CERTIFICATE OF SERVICE

I, undersigned counsel of record, hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the EFC system which sent notification of such filing to the following:

B. Wayne Williams, Esq.
Dan W. Webb, Esq.
Roehelle R. Morgan
Paige C. Bush, Esq.
Webb, Sanders, & Williams, PLLC
363 North Broadway
Post Office Box 496
Tupelo, Mississippi 38802
(662) 844-2137 (off)
wwilliams@webbsanders.com
RRM@webbsanders.com

**Attorneys for State Farm Fire & Casualty Company
And Marshall J. Eleuterius**

Respectfully submitted, this the 20th day of November, 2009.

DANIEL B. O'KEEFE, CELESTE A. FOSTER
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PLAINTIFFS

By: /s/ Christopher C. Van Cleave

CHRISTOPHER C. VAN CLEAVE (MSB #10796)